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October 11, 2005

President George W. Bush
The White House
Washington, D.C.

Dear Mr. President:

On behalf of the citizens of Louisiana, I want to thank you for helping us to expedite access to the \$750 million of much needed funding through the Community Disaster Loan Program to assist us in recovering from the devastation left by Hurricane Katrina. There are, however, several critical issues not addressed by the relief bill that must be covered for Louisiana to recover from this disaster.

Mr. President, I understand that the Community Disaster Loan Act of 2005 was not intended to be a mechanism for rebuilding the criminal justice system in the areas of Louisiana affected by Katrina and this does not address the systems needs. As you know, without an effective criminal justice system, it is very unlikely that the economic and social life of our communities will recover from this disaster.

I am requesting that you support additional funding through the United States Department of Justice specifically for criminal justice needs. The Community Disaster Loan Act fails to address our criminal justice needs for several reasons. The loans provided in the Community Disaster Loan Act of 2005 (S.1858) are limited to units of local government as defined. Under these definitions, Louisiana Sheriffs, District Attorneys, Indigent Defense, and District Courts, including the Clerks of Court, are not eligible to receive such loans. The Sheriffs, District Attorneys, Indigent Defense, and Clerks of District Court, are not a part of a general unit of local government, but constitute separate constitutional entities, while the District Courts fall under a different branch of government altogether.

As it is currently structured, these constitutional entities would have to make application for a portion of a loan to the general unit of government in their jurisdiction, i.e. the Parish Police Jury. This arrangement is not workable for several reasons. First, it places the Police Jury in the position of guaranteeing loans (by provisions of the Act such loans are not forgivable as in previous disasters) to other parts of government over which it has no budgetary or other authority. Second, in the case of the District Courts, District Attorneys, and Indigent Defense, the entities involved often cover more than one parish, making it necessary to enter into agreements

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with multiple Police Juries. Finally, recent history informs us that given the needs of the general units of local government in the wake of Katrina, the Police Juries are unable to divide resources with these separate entities. For example, the St. Bernard Parish Police Jury received funding from FEMA, some of which was intended for the Sheriff's Office. Since the needs of the Police Jury were in excess of the funding received, the Sheriff's Office received nothing.

While I realize that these governmental structures may be unique to Louisiana, I am requesting your assistance in making the recovery effort work for the citizens of our state. Specifically, I request that you assist us in placing such funding as may be appropriated by Congress for the recovery of the criminal justice systems in the affected areas under the United States Department of Justice, Bureau of Justice Assistance. The specific authorization for accomplishing this is 16.577 *Emergency Federal Law Enforcement Assistance* of the Justice Assistance Act of 1984, Title II, Chapter VI, Public Law 98-473, 98 Stat. 1837, Section 609, October 12, 1984.

I make this request for several reasons. First, it overcomes the issues inherent in the Community Disaster Loan Act of 2005 relative to the Louisiana criminal justice system. Second, it provides a mechanism through which funding can be rapidly moved to the criminal justice agencies in greatest need. The issue of speed is critical, as you know, because many law enforcement, prosecution, and correctional agencies as well as courts were completely devastated by the storms. Until the normal functioning of these agencies can be restored in their jurisdictions, the recovery process cannot proceed. Third, the recovery of the criminal justice system requires more than merely funding. The criminal justice system is a complex and intricate institution, and the effort to recover such an institution requires both funding and expertise. It is our belief that the U.S. Department of Justice possesses the expertise necessary to work with our state and local officials in this process to an extent not available from any other source. Few people not directly involved in criminal justice understand the need, for example, to have courts functioning as quickly as possible; fewer still understand the issues involved in such an endeavor when witnesses, judges, prosecutors, defenders, and support staff have been subject to evacuation, records lost or compromised, and individuals held in secure custody scattered through correctional institutions across a wide geographical area. In working with the Bureau of Justice Assistance and other offices within the Department of Justice for many years, I am convinced that the necessary expertise to assist our state and local officials in managing the recovery effort in the criminal justice system resides there. Finally, as you are well aware, the criminal justice system is one that cannot tolerate even the appearance of scandal if public confidence is to be maintained. The Bureau of Justice Assistance has the necessary safeguards and assurances in place to insure that all funding is appropriately and properly expended. Further, because state and local officials have a long familiarity with the rules governing funding received through the Bureau of Justice Assistance there is little chance that funds would be misdirected through a lack of understanding of complex rules. The history of cooperation among Federal, State, and Local

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criminal justice agencies and officials that has become a hallmark of Bureau of Justice Assistance programs further mitigates against any possible issues in this regard.

Mr. President, I believe you can take the necessary actions immediately under the authority of 42 USC 5197e [Pub. L. 93-288m, title VI, Sec. 626, as added Pub. L. 103-337, div. C, title XXXIV, Sec. 3411(a)(3), Oct. 5, 1994, 108 Stat. 3110]. It is my understanding that these provisions of law permit you to move funds from FEMA and the Stafford Act to the U.S. Department of Justice where the funds can be utilized for the purposes necessary.

On behalf of the criminal justice community and the Citizens of Louisiana, I appreciate this opportunity to present these critical issues to you. Thank you for your consideration of my request.

Sincerely,

Kathleen Babineaux Blanco
Governor